



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

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MEMORANDUM

TO: The Commission

FROM: Lawrence H. Norton
General Counsel

BY: Lawrence L. Calvert Jr. *LLC*
Deputy Associate General Counsel for Enforcement

Susan L. Lebeaux *SL*
Assistant General Counsel for Enforcement

Roy Q. Lockett *RQL*
Attorney

SUBJECT: Factual and Legal Analysis for MUR 5420 (Conz-Diaz Champion Racing)

On January 11, 2005, the Commission considered the First General Counsel's Report in MUR 5420. The Commission voted 5-1, Commissioner Smith dissenting, to find reason to believe that Conz-Diaz Champion Racing ("CDC") violated 2 U.S.C. § 441b(a), take no further action, send an admonishment letter and close the file. Because the Commission made reason to believe findings, the Respondent is entitled to a Factual and Legal Analysis. Given that this Office had recommended that the Commission not make reason to believe findings, and the Commission's analysis of the facts, as expressed in the Executive Session discussion, differed substantially from the analysis set forth in the First General Counsel's Report, it appears that a Factual and Legal Analysis explaining the Commission's rationale is appropriate. Therefore, we are attaching a Factual and Legal Analysis for the Commission's consideration. We recommend that the Commission: (1) re-open MUR 5420; (2) approve the attached Factual and Legal Analysis; and (3) close the file.

RECOMMENDATIONS

1. Re-open MUR 5420.
2. Approve the attached Factual and Legal Analysis.
3. Close the file.

Attachment: Factual and Legal Analysis

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